NATIONAL INTELLIGENCER.

NOTES OF NEW BOOKS.

El Ingenioso Hidalgo Don Quijote de la Mancha, *Nueva Edicion, corregida y annotada. Por Don Eugenio de Ochoa. Nueva-York: por D. Appleton y Compañia.* 1853.

We have here, as it will be perceived, an American edition of Don Quixote, in its original and inimitable Spanish. We need not inform any reader of this journal how much the cause of modern literature has been subserved by the enterprising publishers from whose press the present volume is uttered. Having previously furnished the students of modern languages with a complete apparatus of Grammars, Dictionaries, and elementary Reading Books, in French, Spanish, German, and Italian, they have now commenced the publication of the classic authors which illustrate and enrich the literatures of these several peoples. In commencing with a romance which is no less European in its popularity than Spanish in its spirit and diction, they have, it must be admitted, made a good beginning. A select collection of the *chefs d'œuvres* which adorn the literatures of France and Spain, of Italy and Germany, is, we are sure, one of the wants of American youth, among whom it is pleasing to observe a growing taste for the acquisition of the modern, if not the ancient tongues. This series of authors should, of course, comprise only those which, by the common consent of cultivated men, are deemed classical in their respective literatures, and should be edited with especial reference to the demands of alien students, by affording them such compact and judicious annotations as may suffice to elucidate difficulties without swelling the bulk of the volume. The work before us exemplifies what we deem to be the *desiderata* of such a course. It is, we find, an exact reprint, page for page, letter for letter, and accent for accent, so far as we can discover, of the edition so carefully and correctly edited by Don Ochoa, and originally published by Charles Hingray, of Paris. The critical student will not perhaps be easily persuaded to dispense with the more voluminous edition of Señor Clemencin, and will further avail himself of the learned labors and commentaries of Pellicer and the Spanish Academy, but the general reader will find in the well-selected notes of Ochoa nearly every thing necessary for the elucidation of an author who certainly has his difficulties, especially for the foreign reader.

We are not aware of any book, comprised in the literature of any tongue, which combines two qualities apparently contradictory, so perfectly as the immortal romance of Cervantes. It is at once the most *national* of works, appealing to all that is eminently and distinctively Spanish and peninsular; and yet it lays its foundation in the very depths of human nature, and popularizes itself among all nations as naturally as though it were an indigenous product. So truly did Cervantes succeed in impressing his work with the national character of the Spanish people, that multitudes of his countrymen mistook the recital of Don Quixote's life and adventures for a veracious history of a Manchegan hidalgo who actually lived in the village of La Mancha, until the poor gentleman gave himself up to the reading of books of chivalry and lost his wits. Jarvis, one of the English translators of Don Quixote, informs us that an intimate friend of his was gravely assured by "a Spaniard of some figure," whom he met in London, "that Cervantes was a wag, his whole book a fiction, a mere invention, and that there never was such a person as the Knight of La Mancha."

In order to understand how the same work is at once the offspring of Spain and the adopted child of all mankind, we must look into the genius of the Spanish people; which is, as Coleridge says, exquisitely subtle without being at all acute; hence there is so much humor and so little wit in their literature. "Humor, as it is shown in books," says Hazlitt," is an imitation of the natural or acquired absurdities of mankind, or of the ludicrous in incident, situation, and character." "It deals," says Leigh Hunt, "in incongruities of character and circumstance, as wit does in those of arbitrary ideas. The more the incongruities the better, provided they are all in one nature." And herein consists, we think, the indefinable charm which has arrested and fixed the interest of all men of all ages in the portraiture of the Spanish Don, so exquisitely compounded in him are all the comic elements of a perfectly humorous character. As Mr. Hunt justly argues, it requires the conjunction of at least two incongruities to compose *humor*, just as two ideas are necessary to *wit*; as necessary indeed as couples are to marriages, and the more strikingly they differ yet harmonize the more amusing the result. Such, he adds, is the melting together of the propensities to love and war in the person of exquisite Uncle Toby; of the gullible and the manly in Parson Adams; of the professional and the individual or the accidental and the permanent in the Canterbury Pilgrims; of the objectionable and the agreeable, the fat and the sharp-witted in Falstaff; of honesty and knavery in Gil Blas; of pretension and non-performance in the bullies of dramatic poets; and, what pertains to the subject in hand, of folly and wisdom in Don Quixote; of shrewdness and doltishness in Sancho Panza; and, it may be added, in the discordant yet harmonious co-operation of Don Quixote and his attendant considered as a pair; for those two characters, by presenting themselves to the mind in combination, insensibly conspire to give us one compound idea of the whole abstract human being, divided, indeed, by its extreme contradictions of body and soul, but at the same time made one and indivisible by community of error and the necessities of companionship. Sancho, considered not as an agent in the dramatic execution of Cervantes's plot, but as an exemplification of humor, is the flesh, looking after its homely ends; his master, who is also his dupe, is the spirit, starving on sentiment. Sancho himself, being a compound of sense and absurdity, as the Don of folly and wisdom, we thus have duality heaped on duality, contradiction on contradiction; and the inimitable associates contrast and reflect one another. We have but to open any page of the peerless romance on which the knight and his squire figure side by side in order to perceive the different directions of thought and feeling into which their minds were inclined to run. "The reason, Sancho," said his master, "why thou feelest that pain all down thy back is, that the stick which gave it thee was of a length to that extent." "God's my life!" exclaimed Sancho, impatiently, "as if I could not guess that of my own head! The question is, how am I to get rid of it."

It is not difficult, therefore, to trace in the flow of humor which pervades the entire production of Cervantes, that which gives it such a universal zest and interest, making it a book that charms not only the Spaniard but all mankind as well, and revealing also, as it does, the quality which renders it a "possession forever;" one of the few immortal works "not meant for a day but for all time." Wit, being an abstract product of the brain, is essentially impersonal in its generation; but humor is always a concrete quality, deriving all its comic force from a combination with a human personality. Wit is the momentary sparkle educed by the unlooked-for collision of two dissimilar ideas: humor is the slow winding of odd and unaccountable fancies through a man's intellectual processes and daily actions: it is a queer turn of the mental constitution, an amusing whimsy of the individual man which differentiates him from the rest of his race, and therefore renders him an object of pleasantry to all who perceive the idiosyncrasy under which he labors. Hence it has arisen that while the whole framework and setting of the masterpiece under consideration are wholly Spanish, the central characters on the canvass—the knight of the sorrowful figure and his plump squire—are personages which elicit the interest of all by precisely those excentricities which are humorous not only in relation to their immediate countrymen, but equally so when considered with reference to all mankind. It would seem as though Cervantes himself had an instinctive sense of the deep foundation on which he had built his superstructure; and it is in such a prophetic glimpse, we doubt not, that *he* makes Sancho say to his master, "I will lay a wager that, before long, there will not be a two-penny eating-house, a hedge tavern, or a poor inn, or barber's shop, where the history of what we have done shall not be painted and stuck up."

Coleridge observes, somewhere in his Table Talk, that Don Quixote is a book which every body reads through once and reads in often afterwards. We have to thank the publishers of the present edition for the opportunity they have afforded us of reading "in" it, at least once oftener than would otherwise have been our pleasure. We have seen pictorial editions of this favorite book—the French have a noted one—but, while there is no work which affords a richer series of comic situations for the pencil of a Hogarth or a Cruikshanks, there is none which stands in less need of such mirth-moving embellishments. We are not quite sure that Master Dickens does not owe somewhat of his reputation for waggery and humor to the bizarre portraitures with which his novels are always garnished. But the reader of Don Quixote, after the single perusal of which Coleridge speaks, has his mind turned into a very "chamber of imagery," and as memory musters up the doughty achievements and moving accidents of the valorous knight and his trusty squire, the Fancy is ever ready to spread her canvass and lend her pencil, whether it be to depict the perilous combat of the Don with windmills, or Sancho's unlucky blanketting by the jolly cloth-workers of Segovia. As King Philip III. of Spain was one day standing in a balcony, it is said, and viewing the country in the distance, he observed a student on the banks of the river Manzanares reading in a book, and from time to time breaking off and knocking his forehead with the palm of his hand, with great tokens of pleasure and delight, upon which the King remarked to those about him, "that scholar is either mad or reading Don Quixote." The anecdote is interesting as illustrating the estimation in which the work was held by the sovereign who was contemporary with Cervantes, and still further illustrates the suggestive vividness of its pictorial pages; for who can doubt but that the student, if actually reading the exploits of the Manchegan Knight, was going through the motions of some act in the Don's grand drama?

No question has been oftener or more earnestly mooted by the critical fraternity than that which inquires into the object proposed to himself by Cervantes in the composition of his romance. To assert that it was written in ridicule of knight-errantry is manifestly absurd, for this custom and institution had long become extinct. On this supposition the author must be considered as crazy as his hero: for the task which in this case he set himself was quite as imaginary as any of those undertaken by the demented Knight. His real aim and end, we doubt not, were directed, not to discourage the practice of knighthood, which no longer existed, but to expose and ridicule its influence on the popular literature of Spain. It is well known that books of chivalry composed the greater part of the Spanish popular literature until the times of Cervantes. It is this fact which gives all its epigrammatic point to the witty saying of Montesquieu, so often quoted and so false, that the Spanish have one good book which was written to prove all the rest good for nothing.

But there is a set of critics who are never satisfied with an easy and natural solution of any literary question. Their acumen is so keen that it resembles a "razor working deceitfully;" their optics, too, are so sharp that they can see "what is not to be seen;" they can discern more through a mill-stone than other persons through the most transparent medium. These critics have appealed from the established decision of the question thus mooted, and have moved for a new verdict. Coleridge was one of those who sometimes allow their acuteness to get the better of their good sense. As a specimen of the hyper-criticism on which we animadvert, we may allude to such profundities as the following, quoted from Coleridge:

"Rabelais was a wonderful writer. Pantagruel is the Reason, Panurge the Understanding—the pollarded man, the man with every faculty save the reason. I scarcely know an example more illustrative of the difference between the two. Some of the commentators talk about his book being all political; there are contemporary politics in it of course, but the real scope is much higher and more philosophical. The morality of the work is of the most refined and exalted kind.

"I think Swift adopted the name of Stella, which is a man's name with a feminine termination, to denote the mysterious epicene relation in which poor Miss Johnson stood to him.

"All genius is metaphysical, because the ultimate end of genius is ideal, however it may be actualized by incidental and accidental circumstances. * * * Don Quixote is not a man out of his senses, but a man in whom the imagination and the pure reason are so powerful as to make him disregard the evidence of sense when it opposed their conclusions. Sancho is the common-sense of the social man-animal, unenlightened and unsanctified by the reason. You see how he reverences his master at the very time he is cheating him."

Now, over all such refinements of criticism, such fine-spun gossamers of ingenious fancy, we feel constrained to exclaim with honest Horatio in the play, "'Twere to consider too curiously to consider so." These subtleties absolutely tease us. We enter our humble protest when a Bouterwek, in his Quixotic criticism, would have us believe that the "idea of a man of elevated character, excited by heroic and enthusiastic feelings to the extravagant degree of wishing to restore the age of chivalry, must be regarded as the seed of inspiration whence the whole work originated.* Others again have pretended to believe that it was the purpose of Cervantes to embody in Don Quixote the whole of the endless contrast between the poetical and the prosaic in our natures; between heroism and generosity on one side, as if they were mere illusions, and a cold selfishness on the other, as if it were the truth and reality of life.† Mr. Hallam, in a few of his trenchent sentences, cleaves away the very body and soul of all this tumid verbiage. So far from the knight being held up as the representative of those "men of elevated soul" who propose to themselves, as the object of their life, the accomplishment of impracticabilities, it can be clearly shown that the knight, as Cervantes draws his picture, has no independent character at all; and if this is M. Sismondi's idea of a "perfect man," such as he says Don Quixote illustrates, we must beg to differ with him, in all humility, in our type of "*un homme accompli*," as he entitles the Don.

"It is to be observed," says Hallam, "in relation to the 'nobleness of soul' ascribed to Don Quixote, that every sentiment he utters is borrowed with a punctilious rigor from the romances of his library; he resorts to them on every occasion for precedents: if he is intrepidly brave, it is because his vanity and madness have made him believe himself unconquerable; if he bestows kingdoms, it is because Amadis would have done the same; if he is honorable, courteous, a redresser of wrongs, it is in pursuance of his prototypes."

Is this the model gentleman, the *homme accompli*? If so, Cervantes is not the artist we had fondly deemed him, nor is there any humor in the droll story, as we had always thought it, of the redoubtable champion of Dulcinea del Toboso; for a great part of the humor and drollery of the narrative is based on the admirable imitation of the old romances of chivalry, which underlie the whole of the knight's eventful history. Don Quixote, in fact, is nothing, if not a parody or travestie of something, which he cannot be, according to the hypothesis of Bouterwek or Sismondi. So much may be said in refutation of this affected criticism, reasoning on the general tendency and tenor of the entire romance. It strikes us, however, that Cervantes himself, who should have known his object in writing Don Quixote almost as well as these ambitious reviewers, had already settled the question which these ingenious and philosophical critics attempt to raise. In the Prologo to the First Part he says:

"This composition does not look any farther than to the destruction of the authority and space which books of chivalry hold in the world and among the public, insomuch that the author is relieved from going a begging after philosophical sentiments," &c.

Thus it seems these critics gratuitously ignore the drift of the story, as Cervantes understood it, and have, in his stead, "gone a begging for philosophical sentiments." Ten years afterwards this same blunderhead of a writer had no idea of the fine things he had been writing, and which it has been left to our wise "esthetikers," as the Germans call them, to discover and enunciate; for he concludes the Second Part of his romance with this plain statement:

"My desire has been nothing else [no ha sido otro mi deseo] than to render abhorred of men the fictitious and absurd stories contained in books of chivalry, which have already been made to totter by those of my veritable Don Quixote, and which, without any doubt, are destined soon to fall wholly to the ground."

In the face of such distinct assertions of the author's object, are we not entitled to think the presumption of these men who assign him a different one almost as wonderful as the profundity of their supersensuous speculations? The source of their misconception, however, it is not difficult to trace. Because Don Quixote may be metaphorically quoted as an example or illustration of certain phases of human character, they seemed to have falsely supposed it to be the author's primary aim to represent him as a type of such, which is tantamount to supposing that every thing in nature or art, from which we can draw apt illustrations or images to represent our ideas, has for its final cause the metaphorical uses to which it may be thus applied. It should be remembered, however, that the use which can be gotten out of a thing is not always that for which it was made.

* Vid. Frederic Bouterwek's History of Spanish Literature.

† Vid. Sismondi's "Litterature du Midi de l'Europe."

LAWS OF THE UNITED STATES,

Passed at the Second Session of the Thirty-second Congress of the United States of America.

[Public Act No. 12.]

AN ACT to amend an act entitled "An act for the discontinuance of the office of surveyor general in the several districts so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where, as provided in the first section of the act entitled "An act for the discontinuance of the office of surveyor general in the several districts so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes," approved the twelfth of June, eighteen hundred and forty, the field notes, maps, records, and other papers appertaining to land titles in any State, shall have been, or shall be, turned over to the authorities of such State, and the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor general, whose district included such State, shall be and they are hereby vested in and devolved upon the Commissioner of the General Land Office.

Sec. 2. *And be it further enacted,* That under the authority and direction of the Commissioner of the General Land Office, any Deputy Surveyor or other agent of the United States shall have free access to any such field notes, maps, records, and other papers for the purpose of taking extracts therefrom or making copies thereof without charge of any kind.

Sec. 3. *And be it further enacted,* That the field notes, maps, records, and other papers mentioned in the first section of the act to which this is an amendment, shall in no case hereafter be turned over to the authorities of any State, until such State shall have provided by law for the reception and safe keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States, as herein provided.

Approved, January 22, 1853.

[Public—No. 13.]

AN ACT to extend the provisions of an act approved the third of March, eighteen hundred and forty-seven, and the act approved the twenty-sixth of February, eighteen hundred and forty-nine, for carrying into effect the existing compacts with the States of Alabama and Mississippi, in relation to the five per cent. fund and school reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of "an act to amend an act entitled 'an act to amend an act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States with regard to the five per cent. fund, and school reservation,'" approved March the third, one thousand eight hundred and forty-seven, and the act to extend the provisions of said act, approved February twenty-sixth, eighteen hundred and forty-nine, be, and the same are hereby extended, so as to allow the State of Alabama three years from the passage of this act to complete the selections of land authorized by the said acts to which this is an amendment.

Approved, January 25, 1853.

[Public—No. 14.]

AN ACT to erect at the Capital of the Nation an equestrian statue of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifty thousand dollars is hereby appropriated, to enable the President of the United States to employ Clark Mills to erect at the city of Washington a colossal equestrian statue of George Washington, at such place on the public grounds in said city as shall be designated by the President of the United States.

Approved, January 25, 1853.

[Public—No. 15.]

AN ACT to prohibit public executions in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons now under sentence of death, or who shall hereafter be adjudged to suffer death, within the District of Columbia, shall be executed within the walls of some prison in the said District, or within a yard or enclosure adjoining such prison, and not elsewhere: And it shall be the duty of the Marshal of the District, or one of his deputies, with such officers of the prison, constables, and other peace officers as such marshal or deputy may deem necessary and proper, to attend at such execution.

Sec. 2. *And be it further enacted,* That the said Marshal or his deputy shall invite the District Attorney, and the counsel of the prisoner, two or more physicians, and twelve respectable citizens to be present at every such execution; and, at the request of the person to be executed, shall also allow any ministers of the gospel, not more than three in number, and any of his or her near relatives to be present thereat; but no person or persons other than those in this act mentioned, and no person whatever under the age of twenty-one years shall be allowed to witness any such execution.

Approved, January 25, 1853.

PETTIBONE TUNNEL.

The ceremony of the opening of the Baltimore and Ohio Railroad, which was celebrated last week with signal success, would have been necessarily postponed for some time, in consequence of the unfinished state of the Pettibone Tunnel, but for an ingenious and bold expedient, by which the tunnel was for the present dispensed with, and the train of five hundred visiters, and thirteen locomotives of the heaviest class, made to traverse the summit of the mountain not yet fully perforated. This was done by means of a temporary zigzag track, cut in the face of the mountain, and furnished with rails, forming sections of road called Y's, diverging from each other by switches in a reversed direction, and thus mounting above each other, at an inclination of 330 feet to a mile. Over these sections the locomotives, each drawing two long passenger cars, with its complement of passengers, ascended at a pace of fifteen miles an hour, and descended safely in the same manner on the other side, stopping at the end of each station to reverse the motion. This transit of the mountain was accomplished in the outward trip by torchlight, and it is thus described by a correspondent of the Baltimore American:

"At the foot of this mountain the mouth of the Tunnel was discerned, with the lamps of the miners glaring within. Our entire train consisted of twenty-six cars, and thirteen of Ross Winans' most powerful locomotives were in waiting, puffing and panting like war-horses, ready to take us across the summit of the rugged mountain before us. After some delay, during which darkness closed in upon us, two cars were harnessed to each of the iron horses, and all being in readiness, the ascent was commenced, the first locomotive turning out of the first Y, as it is called, before the second one is started, and so on until the whole side of the mountain was dotted with those fiery monsters, which in the darkness presented a scene that was perhaps never before witnessed in the world, and probably may never be again. The ascent of the mountain is by tacking to and fro on its side, up to its summit, and then down in a similar manner on the other side, the track being laid in deep and broad cuts on the side of the mountain. These tracks run so closely parallel with each other, but at different elevations, that at times the trains were so near together that the passengers could call up or down to each other and be distinctly heard as they passed.

"On reaching the summit, those in the seventh of the thirteen trains had a full view of the six locomotives following after them on the one side, and the six descending on the other, each belching forth fire and smoke, whilst the miners going to their work in the shafts, and at either end of the tunnel, bearing hundreds of lamps and moving to and fro in the distance at the base of the mountain, gave the finishing attraction to this grand spectacle. The western slope of the mountain is more precipitous and difficult than the eastern, and it was truly a grand sight to look upon and see, 'rank above rank,' the various trains tacking like ships on the ocean's wave down the terraced mountain side. The grand spectacle produced by dramatic genius will never more prove any attraction to the five hundred guests of the Baltimore and Ohio Railroad. They will hereafter note them to be mere child's play in comparison to 'The Crossing of Pettibone's Tunnel.'"

Caught at Last.—A mock auctioneer has at length been convicted at New York, and sentenced to two years' imprisonment in the penitentiary.

CONGRESS.

Thursday, January 27, 1853.

IN SENATE.

The PRESIDENT of the Senate laid before the body a communication from the Treasury Department, made in compliance with a resolution of the 3d instant, calling for all the correspondence and documents connected with the assay office at California. Referred to the Committee on Finance.

Also, from the Secretary of the Interior, in answer to a resolution of the Senate relative to the allegations of fraud by Alexander Ramsey, in the disbursement of money appropriated for the fulfilment of treaties with the Sioux Indians. Referred to the Committee on Indian Affairs.

Mr. CHARLTON, from the Committee on Revolutionary Claims, reported a bill for the relief of Mrs. Mary Perry, accompanied by a report, which was ordered to be printed.

Mr. DOWNS, from the Committee on the Judiciary, reported a bill to refund to the county of Lee, Iowa, certain expenses of the district court which were paid by that county; which bill was considered and passed.

Mr. FELCH, from the Committee on the Public Lands, to which was recommitted the bill to amend an act entitled an act to create the office of surveyor general of the public lands in Oregon, and to provide for the survey and to make donations to the settlers of the said public lands, reported it back with an amendment.

On motion by Mr. HAMLIN, the vote adopting the report of the committee of conference on the disagreeing vote of the two houses, on the bill to continue half-pay to certain widows and orphans, was reconsidered, and a message sent to the House asking a return of said bill.

On motion by Mr. GEYER, the Senate took up House bill granting the right of way to the St. Louis and Iron Mountain Railroad Company; which, after having been amended, on motion by Mr. WADE, was passed.

NICARAGUA TREATY.

Mr. CASS asked the Senate to take up for consideration the resolution submitted by him on the 25th instant. The resolution was read as follows:

Resolved, That the Committee on Foreign Relations be instructed to inquire and report whether any measures, and if any, what, should be taken by the Senate in relation to the declaration annexed to the ratification on the part of Great Britain of the treaty concluded between that country and the United States April 19, 1850, and to the letter of the Secretary of State to the British Minister on the exchange of the ratifications.

Mr. MANGUM hoped the Senator would not press the subject just now, but let it lie over until the 4th of March, when there would be an Executive session, to which all such matters properly pertained. Besides, in his opinion there would be a peculiar propriety in adopting such a course, as the gentleman who had the chief agency in the whole matter would be present to speak for himself. He trusted the Senator from Michigan would see the force of the suggestion and let it go over.

Mr. CASS replied, contending that the proper course would be to adopt the resolution; and a long discussion ensued, in which Messrs. BELL, MASON, BORLAND, and others participated; when

Mr. GWIN moved that the resolution be laid on the table.

Mr. HALE demanded the yeas and nays, which were ordered, and it was decided in the negative, as follows:

YEAS—Messrs. Dawson, Fish, Gwin, Houston, Mangum, Morton, Spruance, Wade, and Weller—9.

NAYS—Messrs. Atchison, Badger, Bell, Borland, Bradbury, Bright, Brodhead, Brooke, Butler, Cass, Charlton, Chase, Clarke, DeSaussure, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Fitzpatrick, Geyer, Hale, Hamlin, Hunter, James, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Miller, Norris, Pettit, Sebastian, Seward, Soule, Sumner, Underwood, and Walker—37.

Mr. HALE then spoke, treating with ridicule all idea of danger of war, declaring that there was no more danger now than there was of the Union in 1850, when so many persons had been immortalized for patriotically coming to the rescue.

Mr. UNDERWOOD also spoke, and the discussion was continued, when

Mr. MANGUM moved to postpone the further consideration until the 4th of March next.

Mr. CASS demanded the yeas and nays, which were ordered, and the motion was lost:

YEAS—Messrs. Adams, Badger, Bell, Brooke, Davis, Dawson, Fish, Geyer, Hale, Mangum, Miller, Morton, Seward, Smith, Spruance, Wade, and Weller—17.

NAYS—Messrs. Atchison, Borland, Bradbury, Bright, Brodhead, Butler, Cass, Charlton, Chase, Clarke, DeSaussure, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Fitzpatrick, Hamlin, Houston, Jones of Tennessee, Mallory, Mason, Norris, Pettit, Rusk, Sebastian, Soule, Sumner, Underwood, and Walker—29.

The resolution was then agreed to.

On motion by Mr. BADGER, the Senate took up the bill concerning bail in civil causes in the District of Columbia, and it was passed.

On motion by Mr. GWIN, the consideration of the joint resolution "declaratory of the views of the United States respecting colonization on the North American continent, and respecting the Island of Cuba," was postponed until the 3d of February next.

PACIFIC RAILROAD.

The Senate then took up the bill to establish a railroad to the Pacific, and after some discussion thereon, adjourned without taking any question.

HOUSE OF REPRESENTATIVES.

Mr. PHELPS, from the Committee of Ways and Means, reported a bill making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1854; which was read twice and committed.

Mr. HOUSTON, from the same committee, reported a bill making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1854; which was read twice and committed.

Mr. STANLY, from the same committee, to which was referred the bill to authorize the Secretary of the Treasury to deposite with the several States the fourth instalment of the deposites of the public money directed to be made with said States by the act approved June 23, 1836, reported the same back with the recommendation that it do not pass.

[The sum proposed to be appropriated by this bill is $9,367,214.]

Mr. STANLY moved to refer the bill to the Committee of the Whole on the state of the Union, and also moved that it be printed, together with several amendments he desired to offer to it, remarking that he wished to say a few words in favor of the bill.

The SPEAKER decided that the question was not debatable, as the rule required that bills making appropriations should first be discussed in Committee of the Whole.

Mr. SWEETSER moved that the bill be laid on the table, which motion was decided in the affirmative by the following vote:

YEAS—Messrs. Abercrombie, Charles Allen, Willis Allen, Averett, David J. Bailey, Thomas H. Bayly, Bartlett, Beale, Bocock, Bragg, Albert G. Brown, Jos. Cable, Cartter, Caskie, Chastain, Churchwell, Clark, Clemens, Clingman, Cobb, Colcock, Curtis, John G. Davis, Dawson, Dean, Dimmick, Disney, Doty, Dunham, Durkee, Eastman, Edgerton, Faulkner, Ficklin, Florence, Floyd, Freeman, Thomas J. D. Fuller, Gaylord, Giddings, Gilmore, Gorman, Green, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Hart, Henn, Hillyer, Holladay, Houston, Thomas Y. Howe, jr., Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. G. Jones, Preston King, Kurtz, Letcher, Lockhart, Mace, Mann, Mason, McLanahan, Millson, Molony, Murphy, Murray, Nabers, Orr, Andrew Parker, Phelps, Powell, Richardson, Riddle, Robbins, Robie, Ross, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Richard H. Stanton, Abm. P. Stephens, Alex. H. Stephens, St. Martin, Stratton, Stuart, Sutherland, Sweetser, Toombs, Venable, Wallace, Wilcox, Wildrick, and Woodward—105.

NAYS—Messrs. Wm. Appleton, Barrere, Bennett, Bibighaus, Bowie, Bowne, Brenton, George H. Brown, Burrows, Caldwell, Lewis D. Campbell, Chandler, Chapman, Cottman, Cullom, Darby, George T. Davis, Dockery, Duncan, Ewing, Fay, Henry M. Fuller, Gentry, Goodenow, Harper, Haven, Horsford, Howard, John W. Howe, Thomas M. Howe, George G. King, Kuhns, Landry, Little, Martin, Meacham, Miller, Henry D. Moore, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Penniman, Perkins, Porter, Sackett, Schermerhorn, Schoonmaker, Stanly, Benjamin Stanton, Taylor, Thurston, Tuck, Walsh, Watkins, Welch, Wells, Addison White, and Williams—60.

DEFICIENCY BILL.

On motion of Mr. HOUSTON, the House then went into Committee of the Whole on the state of the Union, (Mr. Brown, of Mississippi, in the chair,) and resumed the consideration of the bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1853.

The CHAIRMAN stated the question to be on the amendment of Mr. Venable, to appropriate $3,000 for the completion of the pedestal of the equestrian statue of Gen. Jackson, and the erection of a suitable iron railing around the same.

Mr. DEAN said that he was in favor of this amendment. The statue of Jackson was now a public work, dedicated to the public, and placed upon public ground. By the legislation of a former Congress, in granting five thousand dollars toward the erection of the pedestal to this statue, he thought they were committed to this work. He did not propose to take part in the debate in relation to Gen. Jackson. No party could claim him; his fame was national, and belonged to the whole country. He would not only be willing to vote to pay for the erection of the pedestal, but would also be willing to vote to pay for the statue; and he would be willing to do the same thing if a statue had been erected to Henry Clay, or any other of our great statesmen. He hoped the time of the committee would not be consumed by useless debate on the reasons why they appropriated this money. They were all Jackson men, and men of all parties believed that Gen. Jackson was a true patriot.

Mr. SWEETSER said that his amendment embraced the whole question of appropriation, and he desired to appeal to the House in favor of the whole *projét* of the erection of statues. He should like to see these appropriations increased indefinitely, beyond any proposition that had been submitted to the committee. He should like to see the public squares adorned with public statues so long as they had an overflowing treasury; and when these propositions came forward fairly, they should meet them in the proper spirit of American citizens, and do honor not only to themselves, but the people whom they represented. What man was there who should visit Washington who would not be proud to see a pedestal in monumental square, and a statue in bronze of Geo. Washington that should eclipse any thing erected on the face of the globe?

The question was then taken on the amendment of Mr. Venable, and it was agreed to.

Mr. TAYLOR moved to insert in the bill an item appropriating $25,000 for the erection of a statue to Major General Nathaniel Greene, to carry into effect the resolution of Congress passed August 12, 1786.

Mr. JONES, of Tennessee, submitted whether the amendment was in order.

Mr. TAYLOR said that his amendment was to carry into effect a resolution of Congress.

The CHAIRMAN decided that, as the amendment was not to supply a deficiency, it was out of order.

Mr. TAYLOR appealed from this decision, when the Chairman was sustained: Ayes 105, noes 35.

Mr. DEAN moved to insert an item appropriating $500,000 for the removal of the Mint at Philadelphia to the city of New York.

The CHAIRMAN ruled the amendment out of order.

Numerous other amendments were offered and disposed of, when the committee rose and reported the bill to the House.

The amendments made in committee were then disposed of, and the bill read the third time and passed.

The House then adjourned.

Friday, January 28, 1853.

IN SENATE.

The following message was received from the President of the United States:

To the Senate of the United States:

In answer to a resolution of the Senate of the 13th instant, requesting a copy of correspondence and other documents relative to Nicaragua, Costa Rica, and the territory claimed by the Mosquito Indians, I transmit a report from the Secretary of State, to whom the resolution was referred. MILLARD FILLMORE.

Washington, January 27, 1853.

REPORT OF THE SECRETARY OF STATE.

After reciting the Resolution of the Senate, the Secretary reports as follows:

"The Secretary of State has the honor to report, that, as the negotiations on the general subjects referred to in the resolution are still pending, the production of the papers would tend to increase the difficulties which attend the settlement of the questions in discussion; and that for this reason it would not be for the public interest that they should at this time be communicated.

"Respectfully submitted.

"EDWARD EVERETT.

"Department of State,
"Washington, January 27, 1853.

The document was referred to the Committee on Foreign Relations and ordered to be printed.

MEMORIALS AND PETITIONS.

The following memorials and petitions were presented and appropriately referred:

By Mr. COOPER: From merchants and ship-owners of the city of Philadelphia, asking a modification of the act of 2d March, 1799, regulating the collection of duties on imports and tonnage. The memorialists deem the law as it stands burdensome on some classes, to which they refer, while the change asked would not interfere in any manner to lessen the revenue.

By Mr. SEBASTIAN: Several memorials from Registers and Receivers of Land Offices in Arkansas, asking to be allowed compensation for locating Choctaw scrip.

By Mr. CHASE: From inhabitants of Ohio, asking a declaration by Congress that a forcible interference by one nation in the internal affairs of another is a breach of the law of nations.

By Mr. CASS: From citizens of Michigan, asking a grant of land for the purpose of making a ship canal round the Falls of Niagara.

REPORTS FROM COMMITTEES.

Mr. RUSK, from the select committee to which was referred the bill for the protection of the emigrant route, and a telegraph line, and for an overland mail between the Missouri river and the settlements in California and Oregon, together with various amendments proposing to construct a railroad and a telegraphic line from the valley of the Mississippi to the Pacific ocean, reported that, after mature deliberation and consultation with various members of the Senate, he reported a bill as a substitute for the bill and amendments referred.

Mr. R. stated that the bill had received the very deliberate attention of the committee, and that it had been submitted to and carefully examined and fully approved by the chairman of the Committee on the Territories, (Mr. Douglas,) who, as chairman of that committee, had reported the bill and amendments referred to the select committee.

The bill was ordered to be printed.

Mr. GEYER, from the Committee on Pensions, to which was referred House bill for the relief of Henry Miller, a soldier of the war of 1812, reported it back without amendment, and recommended its passage.

RESOLUTION.

Mr. COOPER submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretaries of the Treasury, War, and Navy be and they are hereby respectively required to communicate to the Senate the quantity of coal contracted for during the last year by each of said departments, their officers or agents, for the use of the various branches of the public service connected with or under the control of the said departments; and that care be taken, in making the said communication, to distinguish the several kinds of coal, as anthracite, American bituminous, English bituminous, &c., together with the purposes for which they were severally used.

The Senate then took up the bill for the relief of Ruliff Van Brunt, and it was passed.

Mr. BRADBURY then renewed his motion to proceed to the consideration of such House bills as would not be objected to.

Mr. DAWSON thought it better to proceed with the private calendar in the order in which the bills stood.

Mr. BRADBURY modified his motion so as to apply to bills indiscriminately to which no objection should be made.

Mr. DAWSON still insisted that the best course would be to take up the bills in their order and pass or reject them. He did not like the idea that a single objection from a Senator would defeat a bill from being considered.

Mr. BRADBURY adverted to the fact that at the last session two or three bills had occasioned a great deal of discussion, to the prejudice of others that might have been passed without debate. He thought time would be gained by agreeing to his motion. At all events, the experiment would be worth trying.

The motion was agreed to, and the Senate took up the private calendar, and such bills as were objected to were passed over, without losing their places on the calendar.

The following Senate bills were then severally considered and passed:

A bill for the relief of the captors of the frigate Philadelphia.

A bill for the relief of the heirs of Col. Wm. Grayson.

A bill for the relief of Calvin B. Seymour, and Willard Boynton, surviving partner of W. & H. Boynton.

An act for the relief of Jacob Gideon.

The following bills from the House of Representatives were considered and finally passed:

An act for the relief of Maurice K. Simons.

An act for the relief of the heirs of Jeremiah Wingate.

On motion, the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

Mr. STANLY asked consent to move to take up the bill of the Senate concerning bail in civil causes in the District of Columbia.

Mr. STUART asked that the bill be read.

It was accordingly read, and proposes to direct that from and after its passage, no person shall be held to bail in the District of Columbia in any action of debt, assumpsit, or other action founded on or arising out of any contract or agreement, or in any suit or proceeding in equity brought or prosecuted for enforcing the payment of any debts, or of any sum or sums of money due, or claimed to be due, by reason of any contract or agreement; and any person now held to bail, or imprisoned for want of bail, in any such action or proceeding, shall, on application to the circuit court of the District, in term time, or to any judge thereof in vacation, be discharged on filing a common appearance.

Mr. SWEETSER objected to the bill being taken up.

Mr. JONES, of Tennessee, gave notice that if he could obtain the floor on Monday, he would move to suspend the rules to take up this bill. A man had been in jail here three months, and it was a case of as great personal hardship, oppression, and tyranny as had ever been known in the civilized world.

SERVICE ON THE COMMITTEES.

Mr. MACE, rising to a privileged question, asked the House to discharge him from any further service as a member of the Committee of Claims, and before the House should take action upon his request, he wished briefly to state his reasons for this course. He said he entered upon the discharge of his duties faithfully, and could say that every member of the committee had profitably and efficiently been engaged in the discharge of duty. The committee had prepared for the action of the House a vast number of bills in behalf of persons who had honest and just claims against the Government of the United States. The action of the House, however, had been such that the committee had been called but once during the present and last session of Congress. He, therefore, wished to be discharged from further service on the committee, as he did not desire to be involved in the examination of so much business when Congress would not act upon it. If it was the object of the House to deny justice to claimants, they and the country should know it. Having said this much, having washed his hands of the injustice which had been inflicted upon numerous claimants to his certain knowledge, and having placed these facts upon record, and it being unimportant whether he should be discharged from further service on the committee or not, he respectfully withdrew his request.

PRIVATE CALENDAR.

On motion of Mr. EDGERTON, the House then went into Committee of the Whole, (Mr. Hall, of Missouri, in the chair,) and proceeded to consider the bills on the private calendar.

This being "objection day," all bills to which no objection was made, were laid aside to be reported to the House with the recommendation that they pass, while those which were objected to were passed over to be considered when the private calendar should again be taken up.

No objection was made to the following bills:

Senate bill for the relief of James Glynn.

A bill for the relief of S. Morris Waln.

A bill for the relief of Jasper A. Maltby.

A bill for the relief of Britain Franks, assignee of Joseph M. Smith.

Senate bill for the relief of Mary D. Renner, administratrix of Daniel Renner, deceased.

Senate bill for the relief of Col. James R. Creecy.

A bill for the relief of James H. Jenkins.

A bill for the relief of John Frink.

A joint resolution granting the petition of William and Mathew Moss.

Senate resolution for the relief of Alexander Y. P. Garnett.

Senate bill for the relief of Jacob Young.

Senate bill for the relief of Margaret Farrar.

Senate bill for the relief of James Glynn.

Senate bill for the relief of Thompson Hutchinson.

Senate bill for the relief of Elizabeth Jones, and the other children (if any) of John Carr.

Senate bill for the relief of the heirs of the late Major Thomas Noel, United States army.

Senate bill for the relief of Jim Capers.

Senate bill for the relief of Sarah D. Mackay.

Senate bill for the relief of William Bedient, late a sergeant in the fourth regiment of artillery.

Senate bill for the relief of Guion and McLaughlin.

Senate bill for the relief of the widows and relatives of certain officers and seamen of the United States brig "Washington," who were lost overboard in a hurricane.

Senate bill for the relief of Barbara Reily.

Objection was made to the following:

The bill for the relief of the legal representatives of John H. Piatt, deceased, was objected to by Mr. Jones, of Tennessee.

The bill for the relief of the Trustees of the Philadelphia Gas Works, was objected to by Mr. Letcher.

The joint resolution for the relief of Mary Reeside, executrix of James Reeside, deceased, was objected to by Mr. Martin.

The joint resolution for the relief of the legal representatives of Wade Allen, deceased, was objected to by Mr. Letcher.

The bill for the relief J. C. Buckles, of Louisville, Ky., was objected to by Mr. Letcher.

The bill for the relief of McAtee & Eastham was objected to by Mr. Stanton, of Ohio.

The bill for the relief of the legal representatives of Nathaniel Patten, deceased, late a Postmaster in Missouri, was objected to by Mr. Olds.

The bill authorizing the adjustment and payment of the claims of William Hazzard Wigg, deceased, for losses sustained by him during the war of the Revolution, was objected to by Mr. Allison.

Senate bill for the relief of Robert Armstrong was objected to by Mr. Stanly.

The bill for the relief of Anthony Walton Bayard was objected to by Mr. Harris, of Tennessee.

The committee then rose and reported its action to the House, when

The bills which were reported to the House with the recommendation that they pass were read the third time and passed.

The bill for the relief of Capt. Lewis E. Simonds, heretofore reported from the Committee of the Whole, was then taken up, read the third time, and passed.

On motion of Mr. KING, the bill to prevent frauds upon the Treasury of the United States, returned from the Senate with amendments, was taken up and referred to the select committee which reported it.

Mr. COBB, from the Committee of Conference on the part of the House on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the Senate to continue half-pay to certain widows and orphans, reported that said committee had agreed to strike out all after the word "that," in the proviso of the House, and insert the following: "The act approved 22d February, 1849, granting five years' half-pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regular and volunteer, be so extended and construed as to embrace the widows and minor heirs of the officers, non-commissioned officers, musicians, and privates of the regulars and volunteers of the war of 1812, and of the various Indian wars since 1790;" and said committee further agree to recommend the striking out of the word "soldiers," in the Senate amendment to said bill, and the adoption of said amendment as amended.

Mr. TUCK said that he believed this was one of the most important bills that had come before the House, and he therefore asked that it be printed.

Objections were made.

Quite a struggle took place on the bill, gentlemen opposed to it contending that it should be printed, so that they could all understand it.

The SPEAKER deciding that this business would be the first thing in order in the morning,

The House adjourned.

NEWS BY THE TELEGRAPH.

New York Legislature.

Albany, January 28.—The Legislature of New York have appointed Wednesday next for the election of United States Senator.

The Liquor bill has been referred to a committee of one from each county, with instructions to report upon the expediency of changing it, without infringing upon its principles.

The petition asking $2,000,000 for the Troy and Greenville railroad has been referred to a committee.

Executions.

New York, January 28.—The murderers Hewlett and Saul were executed to-day at noon.

New York Market.

New York, January 28.—Sales of 5,000 barrels of flour to-day at $5.25 a $5.37½ for State, $5.62 a $5.68½ for Genesee, and $5.62 a $5.75 for Southern. Sales of 4,500 bushels red wheat at 120c., and 9,000 bushels yellow corn at 69 a 70. Cotton has declined a quarter of a cent.

Baltimore Market.

Baltimore, January 28.—There is no news to-day. The flour market is steady; sales of 500 bbls. Howard street at $5.18 and 800 do. at $5.25; also, 500 City Mills at $5.25 per bbl. Rye flour $4.50; corn meal $3.50.

The receipts of grain are light; sales small. We quote red wheat at 114 a 117, white do. 117 a 125 cents; white corn 58 a 59, yellow 61 a 63; oats 42 a 45; rye 83 a 87; cloverseed $6.50.

Provisions are very quiet; no sales of moment; prices drooping. Whiskey 23¾ a 24½ cents. Wool firm at 28 a 31 for unwashed, and 39 a 48 for washed.

The tobacco market is very quiet; no sales reported, and prices merely nominal. The week's inspections amount only to two hhds. Maryland and one Ohio, three hhds. in all. There is no shipping demand.

The stock market is without much firmness or change in prices. The money market is very easy, banks discounting freely; good paper on the street is taken at six per cent. per annum.

Reported Murder of Miss Catharine Hayes.

New Orleans, January 28.—The steamer Pampero has arrived here. She left San Juan on the 18th instant, one day after the Star of the West.

This steamer brings the painful report that Miss Catharine Hayes, the celebrated singer, who had been giving concerts in San Francisco with great success, had been murdered by a man named Jones, and that the populace turned out en masse and hung him.

New York, Jan. 28.—The despatch from New Orleans announcing the murder of Miss Catharine Hays is, in all probability, a mistake. The accounts by the Star of the West state that a man named Jones was hung by the people of San Francisco for the murder of Col. Jack Hayes, sheriff of that city. It is almost certain, therefore, that the report brought to New Orleans originated by confounding the two names.